

been shipped by the Wadley Co., in part from Indianapolis, Ind., on or about October 21, 1924, and in part from Pana, Ill., on or about October 8, 1924, and transported from the States of Indiana and Illinois, respectively, into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Monarch Brand Frozen Whole Egg."

Adulteration of the article was alleged in the libels for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On January 7, 1925, Alexander U. Oliver, New York, N. Y., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$2,500, in conformity with section 10 of the act, conditioned in part that the bad portion be separated from the good portion under the supervision of this department, and the bad portion destroyed or denatured.

W. M. JARDINE, *Secretary of Agriculture.*

12953. Misbranding of butter. U. S. v. 5 Cases and 5 Cases of Butter. Judgments for the Government. Product ordered released to claimant to be repacked and correctly labeled. (F. & D. Nos. 18422, 18423. I. S. Nos. 7322-v, 7323-v. S. Nos. C-4304, C-4305.)

On February 26, 1924, the United States attorney for the Southern District of Alabama, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 10 cases of butter, at Mobile, Ala., alleging that the article had been shipped by the Laurel Ice & Packing Co., from Laurel, Miss., February 20, 1924, and transported from the State of Mississippi into the State of Alabama, and charging misbranding in violation of the food and drugs act as amended.

Misbranding of the article was alleged in substance in the libels for the reason that the following statements appearing on the cartons containing a portion of the article, "Sunset Gold Creamery Butter 1 Lb. Net," and the statements appearing on the cartons containing the remainder thereof, "Pride of Mississippi Fancy Creamery Butter. Manufactured by Laurel Ice & Packing Co. Laurel, Miss., Net Weight One Pound When Packed," were false and misleading and deceived the purchaser, in that the net weight of the butter contained in the said cartons was less than 1 pound. Misbranding was alleged for the further reason that the article was food in package form and the net contents thereof was not plainly and conspicuously marked on the outside of the carton.

On March 7, 1924, the Laurel Ice & Packing Co., Laurel, Miss., having appeared as claimant for the property, judgment was entered for the Government, and it was ordered by the court that the claimant pay the costs of the proceedings and that the product be released to the said claimant to be repacked and correctly marked with the net contents thereof.

W. M. JARDINE, *Secretary of Agriculture.*

12954. Misbranding of butter. U. S. v. 640 Pounds of Butter. Judgment for the Government. Product ordered released to claimant to be repacked and correctly labeled. (F. & D. No. 18416. I. S. No. 7319-v. S. No. C-4298.)

On February 25, 1924, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 640 pounds of butter, at Mobile, Ala., alleging that the article had been shipped by the Mississippi Creamery Assoc., from Jackson, Miss., January 16, 1924, and transported from the State of Mississippi into the State of Alabama, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Case) "Mississippi Creamery Assn.;" (carton) "One Pound Net Monogram Creamery Butter."

Misbranding of the article was alleged in the libel for the reason that the following statement appearing on the cartons, "One Pound Net Monogram Creamery Butter," was false and misleading and deceived the purchaser, in that the net weight of the butter contained in the said cartons was less than 1 pound. Misbranding was alleged for the further reason that the article was food in package form and the net contents thereof was not plainly and conspicuously marked on the outside of the carton.

On March 11, 1924, the Cudahy Packing Co., Chicago, Ill., having appeared as claimant for the property, judgment was entered for the Government, and

it was ordered by the court that the claimant pay the cost of the proceedings and that the product be released to the said claimant to be repacked and correctly marked with the net contents thereof.

W. M. JARDINE, *Secretary of Agriculture.*

12955. Misbranding of butter. U. S. v. 25 Cases of Butter. Judgment for the Government. Product ordered released to claimant to be repacked and correctly labeled. (F. & D. No. 18417. I. S. No. 7321-v. S. No. C-4299.)

On February 25, 1924, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 25 cases of butter, at Mobile, Ala., alleging that the article had been shipped by the Hanford Produce Co., from Sioux City, Iowa, February 9, 1924, and transported from the State of Iowa into the State of Alabama, and charging misbranding in violation of the food and drugs act as amended.

Misbranding of the article was alleged in the libel for the reason that the following statement appearing on the cartons, "1 Lb. Net Weight Hanford's Fancy Creamery Butter * * * Hanford Produce Co., Sioux City, Iowa," was false and misleading and deceived the purchaser, in that the net weight of the butter contained in the said cartons was less than 1 pound. Misbranding was alleged for the further reason that the article was food in package form and the net contents thereof was not plainly and conspicuously marked on the outside of the carton.

On March 11, 1924, the Hanford Produce Co., Sioux City, Iowa, having appeared as claimant for the property, judgment was entered for the Government, and it was ordered by the court that the claimant pay the costs of the proceedings and that the product be released to the said claimant to be repacked and correctly marked with the net contents thereof.

W. M. JARDINE, *Secretary of Agriculture.*

12956. Adulteration of canned salmon. U. S. v. 109 Cases and 134 Cases of Salmon. Tried to the court and a jury. Verdict for the Government. Judgment of condemnation and forfeiture. Claimant granted permission to take product down under bond. (F. & D. No. 17469. I. S. Nos. 6252-v, 6253-v. S. No. C-3966.)

On April 28, 1923, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 243 cases of salmon, remaining in the original unbroken packages at Paris, Tex., alleging that the article had been shipped by the Kelly-Clark Co., from Seattle, Wash., October 12, 1922, and transported from the State of Washington into the State of Texas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Sambo Brand Chum Salmon" (or "Snowshoe Brand Salmon") "Packed In Alaska By Southern Alaska Canning Co., Main Office Seattle, Wash., U. S. A."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance, unfit for food.

On January 5, 1925, the Southern Alaska Canning Co. having appeared as claimant for the property, the case came on for trial before the court and a jury. After the submission of evidence and arguments by counsel, the court delivered the following charge to the jury (Estes, D. J.):

"GENTLEMEN OF THE JURY:

"This case, a rather unusual proceeding, has been instituted under the provisions of a Federal statute generally known as the pure food and drugs act. The act prohibits the introduction into any State or Territory, from any other State or Territory, of any article of food which is adulterated. According to the provisions of the act, food is to be considered adulterated 'if it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance.' It contemplates that the Secretaries of the Treasury, of Agriculture, of Commerce, and of Labor shall make uniform rules and regulations for carrying out the provisions of it, but such rules, so far as I know, have not yet been made. So the enforcement of the law, under conditions like those obtaining here, involves more or less of an original undertaking.